

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS**

KIMBERLY STARLING, individually and  
on behalf of all others similarly situated,

Plaintiff,

v.

NEWSMAX MEDIA, INC.

Defendant.

Case No. 24-797

**JURY TRIAL DEMANDED**

**NOTICE OF NON-OPPOSITION TO DEFENDANT’S  
PARTIAL MOTION TO DISMISS**

COMES NOW Plaintiff Kimberly Starling, by and through the undersigned counsel, and hereby files this Notice of Non-Opposition to Defendant’s Partial Motion to Dismiss. Plaintiff does not intend to oppose the Defendant’s Partial Motion to Dismiss. Furthermore, Plaintiff consents to withdraw her second cause of action, for violations of the Texas Business and Commerce Code premised upon the Texas Telemarketer Registration Act, or in the alternative consents to dismiss them *without* prejudice. This Notice should not be deemed as an admission of any of the averments or legal conclusions contained therein, which are expressly denied.

RESPECTFULLY SUBMITTED AND DATED this October 15, 2024.

/s/ Andrew Roman Perrong  
Andrew Roman Perrong, Esq.  
Perrong Law LLC  
2657 Mount Carmel Avenue  
Glenside, Pennsylvania 19038  
Phone: 215-225-5529 (CALL-LAW)  
Facsimile: 888-329-0305  
a@perronglaw.com

**CERTIFICATE OF SERVICE**

I certify that I filed the foregoing via ECF on the below date.

Dated: October 15, 2024

/s/ Andrew Roman Perrong  
Andrew Roman Perrong, Esq.  
Perrong Law LLC  
2657 Mount Carmel Avenue  
Glenside, Pennsylvania 19038  
Phone: 215-225-5529 (CALL-LAW)  
Facsimile: 888-329-0305  
a@perronglaw.com